

House Bill 324

By: Representatives Day of the 163rd, Neal of the 1st, Jamieson of the 28th, Horne of the 71st,
and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of radar speed detection devices, so as to provide that only certain full-time peace officers can operate speed detection devices; to remove certain evidentiary restrictions; to regulate the use of speed detection devices in proximity to certain speed reduction areas or highway grades exceeding 7 percent; to prohibit certain use of speed detection on interstate highways; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of radar speed detection devices, is amended by striking subsection (c) of Code Section 40-14-2, relating to use permits for speed detection devices and employment of certain peace officers, and inserting in its place a new subsection (c) to read as follows:

"(c) A permit shall not be issued by the Department of Public Safety to an applicant under this Code section unless the applicant provides law enforcement services by certified peace officers 24 hours a day, seven days a week on call or on duty or allows only peace officers employed full time by the applicant to operate speed detection devices. Speed detection devices can only be operated by full-time registered or certified peace officers of the county sheriff, county, municipality, college, or university to which the permit is applicable. Persons operating the speed detection devices must be registered or certified by the Georgia Peace Officer Standards and Training Council as peace officers and certified by the Georgia Peace Officer Standards and Training Council as operators of speed detection devices."

SECTION 2.

Said chapter is further amended by striking Code Section 40-14-9, relating to inadmissibility of certain evidence and use restrictions pertaining to speed detection devices, and inserting in its place a new Code Section 40-14-9, to read as follows:

"40-14-9.

(a) No speed detection device shall be employed ~~Evidence obtained by county, or municipal, or campus law enforcement officers in using speed detection devices within:~~

(1) Within 300 feet of a reduction of a speed limit inside an incorporated municipality or within 600 feet of a reduction of a speed limit outside an incorporated municipality or consolidated city-county government; ~~or shall be inadmissible in the prosecution of a violation of any municipal ordinance, county ordinance, or state law regulating speed; nor shall such evidence be admissible in the prosecution of a violation as aforesaid when such violation has occurred within~~

(2) Within 30 days following a reduction of the speed limit in the area where the violation took place, except that this 30 day limitation shall not apply to a speeding violation within a highway work zone, as defined in Code Section 40-6-188.

(b) No speed detection device shall be employed by county, municipal, or campus law enforcement officers on any portion of any highway which has is within 300 feet in either direction of a grade in excess of 7 percent, including a bridge or overpass, inside an incorporated municipality or within 600 feet in either direction of a grade in excess of 7 percent, including a bridge or overpass, outside an incorporated municipality or consolidated city-county government.

(c) No speed detection device shall be employed by county, municipal, or campus law enforcement officers on any interstate highway."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.